

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:11cv67**

**SYNOVUS BANK,**

**Plaintiff,**

**v.**

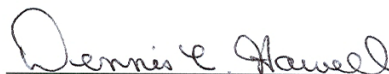
**ROBERT GILLIAND and JOSEPHINE  
GILLIAND,**

**Defendants.**

**ORDER**

In their Answer to Plaintiff's Complaint, Defendants asserted Counterclaims and a Third Party Complaint. Plaintiff then moved to strike the Third Party Complaint [# 12] and moved to dismiss the Counterclaims [# 14]. Within twenty-one days of the filing of the Motion to Dismiss, Defendants filed an Amended Answer, which they were allowed to do as a matter of course. See Fed. R. Civ. P. 15(a). The Amended Answer, however, supercedes the original Answer, Counterclaims, and Third Party Complaint. Accordingly, the Court **DENIES as moot** the Motion to Dismiss Counterclaims [# 14] and Motion to Strike Answer to Complaint [# 12].

Signed: August 2, 2011



Dennis L. Howell  
United States Magistrate Judge

